

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COMAIR LIMITED,

Plaintiff,

v.

THE BOEING COMPANY, a Delaware
Corporation,

Defendant.

No. 2:23-cv-00176-RSM

**STIPULATED MOTION AND ORDER
TO REVISE CASE SCHEDULE**

I. INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Local Civil Rules 7(d)(1), 7(j), 10(g), and 16(b)(6), Plaintiff Comair Limited (“Comair”) and Defendant The Boeing Company (“Boeing”) (collectively, the “Parties”) jointly move the Court for an order revising the case schedule set forth in the Court’s January 27, 2025 Order Granting Stipulated Motion to Revise Case Schedule (Dkt. No. 130).

The Parties have been meeting and conferring on remaining fact, expert, and third-party discovery matters. The Parties are making progress on discovery. At this point, however, it is clear that the Parties will not have sufficient time to conclude their discovery efforts before the April 18, 2025 discovery deadline. The Parties still have a number of depositions left to take, including those of a Boeing expert and a Comair expert, and the parties are still producing documents.

1 A modest case schedule extension is to the Court's and Parties' benefit to allow the Parties
2 to develop a more complete record and file fully informed dispositive and *Daubert* motions and
3 oppositions. The Parties believe that an additional two months beyond the existing schedule should
4 be sufficient to complete these remaining discovery tasks and allow for the Parties to file discovery
5 and dispositive motions.

6 Depending on how the Court rules on Boeing's pending Motion for Issuance of Letters
7 Rogatory (Dkt. 149), these deadlines may need to be further revisited, but the Parties believe that
8 issue can be addressed in the event the Court grants the relief Boeing has requested.

9 The Parties are timely making this request more than two weeks before the current April
10 18, 2025 discovery deadline to ensure the Court has sufficient time to decide the motion. For these
11 reasons and those detailed below, good cause exists to revise the case schedule by extending it
12 approximately two months.

13 II. LEGAL STANDARD

14 "The decision to modify a scheduling order is within the broad discretion of the district
15 court." *James v. Nationwide Affinity Ins. Co. of Am.*, No. C22-772-RSM, 2023 WL 5020403, at
16 *1 (W.D. Wash. July 31, 2023) (Martinez, J.) (citation omitted). The Court may extend the case
17 schedule where good cause exists. Fed. R. Civ. P. 16(b)(4); LCR 16(b)(6). "Rule 16(b)'s 'good
18 cause' standard primarily considers the diligence of the party seeking the amendment." *Johnson*
19 *v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). "The district court may modify
20 the pretrial schedule 'if it cannot reasonably be met despite the diligence of the party seeking the
21 extension.'" *Id.* (citing Fed. R. Civ. P. 16 advisory committee's notes (1983 amendment)). Local
22 Civil Rule 7(j) establishes that "[a] motion for relief from a deadline should, whenever possible,
23 be filed sufficiently in advance of the deadline to allow the court to rule on the motion prior to the
24 deadline."

III. ARGUMENT

Good cause exists to modestly extend the remaining deadlines by two months. Since the Court’s January 27, 2025 Order Granting Stipulated Motion to Revise Case Schedule (Dkt. No. 130), the Parties have taken nearly ten depositions, five of which were in South Africa and one more of which was out-of-state. Both Parties have made several supplemental document productions, and more document productions are forthcoming. Despite the Parties’ efforts, however, the current case deadlines cannot reasonably be met without prejudice resulting.

The Parties are therefore jointly moving to extend the case schedule and neither alleges that any prejudice would arise from the extension. *See James*, 2023 WL 5020403, at *1 (“Because the request for a trial continuance appears unopposed, it will be GRANTED.”); *Reed v. Kariko*, No. 3:20-CV-5580-BHS-DWC, 2021 WL 3563089, at *2 (W.D. Wash. June 30, 2021) (granting Defendants’ motion to amend pretrial scheduling order to provide all parties extra time to complete discovery, file a motion to compel, and submit dispositive motions because, *inter alia*, an extension would not prejudice Plaintiff, “[i]n fact, an extension at this stage would benefit Plaintiff, as he will have the opportunity to review to review [sic] Defendants’ substantive discovery responses . . . and still challenge those responses” and “Plaintiff may also engage in additional discovery”).

Allowing the Parties to complete fact and expert discovery by extending the discovery deadlines also will contribute to the efficient and just resolution of this case, by ensuring that decision-making on any *Daubert* motions, dispositive motions, and—if necessary—at trial is based on a full and complete record. *See St. George v. Sequim Sch. Dist.*, No. 18-CV-05372-RJB, 2018 WL 6518118, at *1 (W.D. Wash. Dec. 11, 2018) (“An extension of the remaining court deadlines is appropriate to allow the parties to complete discovery and engage in further discussions related to resolution.”).

Furthermore, the Parties are filing this motion well in advance of the upcoming case deadlines, including for dispositive motions (April 7) and discovery motions (April 28). *See* LCR

7(j). Also, the motion is being filed well in advance of the current discovery completion date of April 18, leaving sufficient time for the Court to rule on it. *See* LCR 7(d)(1) (“joint or unopposed motions . . . shall be noted for consideration the day they are filed”); *see generally Young v. Pena*, No. C18-1007JLR, 2019 WL 461161, at *2 (W.D. Wash. Feb. 6, 2019) (granting motion for relief from a deadline in part because the motion was timely filed five days before the deadline).

The Parties’ timely motion, their efforts to meet the Court’s deadlines, and the lack of prejudice on any party all point to good cause. Accordingly, the Parties respectfully request that the Court enter an order modifying the schedule as follows:

	Current Dates	New Dates
JURY TRIAL DATE	July 14, 2025	September 2, 2025
Length of Trial	5-14 days	5-14 days
Discovery completed by	April 18, 2025	June 18, 2025
Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)	April 28, 2025	June 30, 2025
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (See LCR 7(d))	April 7, 2025	June 9, 2025
Mediation per LCR 39.1(c)(3), if requested by the parties, held no later than	May 20, 2025	July 21, 2025
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	June 16, 2025	August 4, 2025
Agreed pretrial order due	June 10, 2025	July 28, 2025
Pretrial conference to be scheduled by the Court		
Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	June 30, 2025	August 18, 2025

IV. CONCLUSION

Based on the foregoing, the Parties respectfully request the Court revise the case schedule as set forth above.

DATED: March 31, 2025

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ORDER

Based upon the foregoing Stipulation and a review of the Court's schedule, the Court hereby modifies the case schedule as set forth below:

	Current Dates	New Dates
JURY TRIAL DATE	July 14, 2025	September 15, 2025
Length of Trial	5-14 days	5-14 days
Discovery completed by	April 18, 2025	June 18, 2025
Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)	April 28, 2025	June 30, 2025
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (See LCR 7(d))	April 7, 2025	June 9, 2025
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IT IS SO ORDERED.

DATED this 1st day of April, 2025



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE